

Memorandum

To: CHAIR AND COMMISSIONERS
CALIFORNIA TRANSPORTATION COMMISSION

CTC Meeting: September 26-27, 2012

Reference No: 2.4b.
Action Item

From: NORMA ORTEGA
Chief Financial Officer

Prepared by: Mark Weaver
Acting Chief
Division of Right of Way and
Land Surveys

Subject: **RESOLUTIONS OF NECESSITY**

RECOMMENDATION:

The California Department of Transportation (Department) recommends the California Transportation Commission (Commission) adopt Resolutions of Necessity (Resolution) C-20939 through C-20952, and C-20954 summarized on the following pages.

ISSUE:

Prior to initiating Eminent Domain proceedings to acquire needed right of way for a programmed project, the Commission must first adopt a resolution stipulating specific findings identified under Section 1245.230 of the Code of Civil Procedure.

Moreover, for each of the proposed Resolutions, the property owners are not contesting the following findings contained in Section 1245.230 of the Code of Civil Procedure:

1. The public interest and necessity require the proposed project.
2. The proposed project is planned and located in a manner that will be most compatible with the greatest public good and the least private injury.
3. This property is necessary for the proposed project.
4. An offer to purchase the property in compliance with Government Code Section 7267.2 has been made to the owner of record.

The only remaining issues with the property owners are related to compensation.

BACKGROUND:

Discussions have taken place with the owners, each of whom have been offered the full amount of the Department's appraisal and, where applicable, advised of any relocation assistance benefits to which the owners may subsequently be entitled. Adoption of the Resolutions will not interrupt our efforts to secure equitable settlement. In accordance with statutory requirements, each owner has been advised that the Department is requesting the Resolution at this time. Adoption will assist the Department in the continuation of the orderly sequence of events required to meet construction schedules.

C-20939 - James A. Yakligian, et al.

06-Fre-180-PM 73.82 - Parcel 84552-1,2 - EA 342529.

RWC Date: 12/01/12; RTL: 12/15/12. Expressway - Widen SR 180 from a two-lane conventional highway to a four-lane expressway. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, and an easement for public road purposes to be conveyed to County of Fresno. Located in the unincorporated area of Fresno County at 15335 East Kings Canyon Road. APN 333-021-57.

C-20940- Debra A. Yakligian

06-Fre-180-PM 73.94 - Parcel 84554-1, 2 - EA 342529.

RWC Date: 12/01/12; RTL: 12/15/12. Expressway - Widen SR 180 from a two-lane conventional highway to a four-lane expressway. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, and public road purposes. Located in the unincorporated area of Fresno County at 15471 East Kings Canyon Road. APN 333-021-48.

C-20941- James A. Yakligian, et al.

06-Fre-180-PM 73.88 - Parcel 84556-1, 2, 3 - EA 342529.

RWC Date: 12/01/12; RTL: 12/15/12. Expressway - Widen SR 180 from a two-lane conventional highway to a four-lane expressway. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, and easements for utility purposes to be conveyed to Pacific Gas and Electric Company and Verizon. Located in the unincorporated area of Fresno County, 1/2 mile west of Smith Avenue. APN 333-081-32.

C-20942- Sunara, LLC, a California Limited Liability Company

06-Fre-180-PM 74.19 - Parcel 84557-1, 2 - EA 342529.

RWC Date: 12/01/12; RTL: 12/15/12. Expressway - Widen SR 180 from a two-lane conventional highway to a four-lane expressway. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, and public road purposes to be conveyed to County of Fresno. Located in the unincorporated area of Fresno County, 1/4 mile west of Smith Avenue. APN 333-021-05.

C-20943 - Herbert L. Merk, et al.

06-Fre-180-PM 72.45 - Parcel 86041-1 - EA 342529.

RWC Date: 12/01/12; RTL: 12/15/12. Expressway - Widen SR 180 from a two-lane conventional highway to a four-lane expressway. Authorizes condemnation of an easement for public road purposes to be conveyed to County of Fresno. Located in the unincorporated area of Fresno County, at Madsen Avenue and Kings Canyon Road. APN 314-043-25 and 26.

C-20944 - Harold W. Willis

08-SBd-10-PM 26.23 - Parcel 21752-1, 2, 3, 4 - EA 448129.

RWC Date: 07/01/13; RTL Date: 08/01/13. Freeway - Reconstruct interchange at Interstate 10 and Tippecanoe Avenue. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, a permanent easement for public signs and utilities to be conveyed to the City of Loma Linda, and temporary easements for construction purposes. Located in the city of Loma Linda at 24893 Redlands Boulevard. APN 0281-091-31.

C-20945 - David Halstead

08-SBd-15-PM 44.6 - Parcel 20924-1 - EA 355569.

RWC Date: 01/03/14; RTL Date: 02/03/14. Freeway - add northbound mixed flow lane with auxiliary lane; reconstruct D and E Streets and the Stoddard Wells interchange. Authorizes condemnation of land in fee for a State highway. Located in the city of Victorville at 16919 Stoddard Wells Road. APN 0472-182-06.

C-20946 - Michael G. Seitz, Trustee of the Seitz Trust dated 9/14/1993

08-SBd-15-PM 43.5 - Parcel 20955-1 - EA 355569.

RWC Date: 01/03/14; RTL Date: 02/03/14. Freeway - add northbound mixed flow lane with auxiliary lane; reconstruct D and E Streets and the Stoddard Wells interchange. Authorizes condemnation of land in fee for a State highway. Located in the city of Victorville south of 16951 D Street. APN 0478-021-12.

C-20947 - Heirs and Devisees of Dorothy Mae Irving

08-SBd-15-PM 43.6 - Parcel 20965-1, 2 - EA 355569.

RWC Date: 01/03/14; RTL Date: 02/03/14. Freeway - add northbound mixed flow lane with auxiliary lane; reconstruct D and E Streets and the Stoddard Wells interchange. Authorizes condemnation of land in fee for a State highway and extinguishment of abutter's rights of access. Located in the city of Victorville at 16400 E Street. APNs 0478-041-52, -53, -55.

C-20948- Verismo Investment Group, LLC, a California Limited Liability Company

08-SBd-247-PM 9.54 - Parcel 21880-1 - EA 0F6609.

RWC Date: 09/06/13; RTL Date: 09/20/13. Conventional highway - widening to construct shoulders. Authorizes condemnation of land in fee for a State highway. Located in the town of Yucca Valley at northwest corner of Napa Road and SR 247. APNs 0629-251-02, -03, -04, -05.

C-20949 - Melvin Lee Davis, Sr. , et al.

10-SJ-4-PM 14.6 - Parcel 16456-1 - EA 0S1109.

RWC Date: 01/01/13; RTL: 02/01/13; Freeway - extend freeway from west end of SR 4 to Navy Drive. Authorizes condemnation of land in fee for a State highway. Located in the city of Stockton at 2219 Navy Drive. APN 163-310-03.

C-20950- Bank of Stockton, Trustee, et al.

10-SJ-4-PM 14.8 - Parcel 16462-1, 2 - EA 0S1109.

RWC Date: 01/01/13; RTL: 03/01/13; Freeway - extend freeway from west end of SR 4 to Navy Drive. Authorizes condemnation of land in fee for a State highway, and a temporary easement for construction purposes. Located in the city of Stockton at 716 South Ventura Street. APN 145-090-04, -05.

C-20951- Charles Toledo, et al.

10-SJ-4-PM 14.5 - Parcel 16469-2, 3, 4 - EA 0S1109.

RWC Date: 01/01/13; RTL Date: 03/01/13. Freeway - extend freeway from west end of SR 4 to Navy Drive. Authorizes condemnation of a permanent easement for right of way, and two temporary easements for highway construction. Located in the city of Stockton at 2403 Navy Drive. APN 163-320-02.

C-20952- Anthony Cordiano, Trustee, et al.

10-SJ-4-PM 14.7 - Parcel 16472-1, 2 - EA 0S1109.

RWC Date: 01/01/13; RTL: 03/01/13; Freeway - extend freeway from west end of SR 4 to Navy Drive. Authorizes condemnation of a permanent easement for roadway purposes, and a temporary easement for construction purposes. Located in the city of Stockton at 1433 Tillie Lewis Drive. APN 163-350-02.

C-20954- Raymond Investment Corporation, a California Corporation

10-SJ-4-PM 14.7 - Parcel 16579-1 - EA 0S1109.

RWC Date: 1/1/13; RTL: 3/1/13; Freeway - extend freeway from west end of SR 4 to Navy Drive. Authorizes condemnation of extinguishment of abutter's rights of access. Located in the city of Stockton at 2245 West Charter Way. APN 163-360-17.